

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS - I. D. No. 190/95 filed by Sri S. Veeraswamy, Pump Operator, defunct of A.P. State Construction Corporation Ltd., Khammam - Reinstatement into service as "Fresh Recruit Pump Operator without back wages and attendant benefits - Orders – Issued.

(IRRIGATION AND C.A.D (SERVICES.V) DEPARTMENT

G. O. Ms. No. 199

Dated:28 -11-2008.
Read the following:-

From the Chief Engineer, Nagarjunasagar Project, Hill Colony, Hyderabad,
Lr. No. CE/NSP/ E.V(1)/115/99/Vol. VI, Dt. 14-7-2008.

-X-X-X-X-

ORDER:-

In the reference read above, the Chief Engineer, Nagarjunasagar Project, Hill Colony, has stated that the Superintending Engineer, N.S.L.B.C. O & M Circle, Tekulapally reported that Sri S. Veeraswamy was originally engaged by the Khammam unit of defunct A.P. State Construction Corporation as Pump Operator with effect from 4-9-1977 on daily wage basis. Later he was disengaged with effect from 6-8-1979. Challenging his disengagement the workmen filed I.D. No. 190/95 before Hon'ble IT-cum-Labour Court at Warangal. The Labour Court passed Award on 18-8-1999 directing the respondents / Department to re-instate the petitioner as "Fresh recruit" (Pump Operator) without back wages and the attendant benefits and to treat / consider the seniority of the petitioner as per the seniority list of the year 1979, if any regular appointment are made after retrenchment of the petitioner. Aggrieved by the above the Department preferred W.P. No. 18624/2000 and on admitting the Writ Petition the Hon'ble High Court of A.P., Hyderabad granted interim suspension subject to compliance of section 17-B of ID Act. On obtaining requisite sanction order of the Government vide G.O. Rt. No. 143, I & CAD (Ser, V) Department Dt. 22-1-2005, the Department complied the above orders of the Hon'ble High Court of A.P. The Hon'ble High Court dismissed the W.P. on 27-2-2008 confirming the Award dt. 18-8-1999 in ID. No. 190/95 of IT-cum-Labour Court, Warangal. The Superintending Engineer, N.S.L.C. O & M Circle, Tekulapally has stated that earlier many similar awards were confirmed by the Hon'ble High Court of A.P. Hyderabad, Government have accorded sanction order to reinstate the workmen in G.O. Rt. No. 912, I & CAD (PW. Estt.I) Department Dt. 17-12-2002. Since the cause of action and nature of the case are identical as in the cases of G.O. Rt. No. 912, I & CAD (PW. Estt.I) Department.

2. He has, therefore, requested the Government, that necessary orders may be obtained and communicated at the earliest to reinstate the workman into service in terms of the Award in ID. No. 190/95, dt. 18-8-1999 and later on to dispense with services of workman duly following the provisions of I.D. Act. The delay in implementing the Court order will result in payment of idle wages till the date of reinstatement.

3. After careful examination of the matter, Government hereby direct the Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda District to reinstate Sri S. Veeraswamy, Pump Operator, defunct A.P. State Construction Corporation Ltd., into service as "Fresh Recruit" "Pump Operator" without back wages and attendant benefits in terms of the Award dt. 18-8-99 in ID. No. 190/95 of Industrial Tribunal-cum-Labour Court, Warangal and later on dispense the services of the workman duly following the provisions of I.D. Act.

4. The Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda District shall take necessary further action in the matter accordingly.

5. This order issues with the concurrence of Finance (W&P) Department vide their U.O. No. 4239/F 2(1)/2008-1, Dt. 29-9-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH).

S. P. TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Chief Engineer, Nagarjunasagar Project,
Hill Colony, Nalgonda District.

// FORWARDED :: BY ORDER //

SECTION OFFICER.